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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,106	11/13/2001	Steven S. Center	064706-0016	3632
33401 7590 11/28/2007 MCDERMOTT WILL & EMERY LLP 2049 CENTURY PARK EAST 38th Floor LOS ANGELES, CA 90067-3208			EXAMINER FISHER, MICHAEL J	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/054,106	CENTER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael J. Fisher	3629	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1/2/07.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,6,8 and 10-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,8 and 10-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3,6,8 and 10-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,826,552 to Grosser et al. (Grosser).

As to claims 1,23, Grosser discloses a method for referring a prospective customer to prospective automobile dealers including prompting the customer to enter customer information and receiving it (col 27, lines 23-25), querying a database using the information (title), the database including dealer information about a plurality of dealers and reporting the information to the customer (col 28, lines 59-60).

Grosser does not, however, teach contact information about prior contacts between the customer and the dealer. Grosser does teach saving information from previous searches (col 29, lines 16-18). It would have been obvious to save this information for future use in case the customer re-uses the system for another car so that the customer could buy from a dealer the customer liked or not buy from a dealer the customer didn't like, especially as the information includes, "values" (col 29, lines 43-44), the number of dealers to locate in the database is deemed a matter of obvious engineering design choice. The information would inherently be delivered to the customer as Grosser delivers information to the user.

As to claim 20, Grosser discloses a central server (fig 3), a processor (330, fig 3), a database (313, fig 3) and means for transmitting information (inherent in that the

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information is transmitted). It would be obvious to include the type of contact in case the user had forgotten the type of contact. This is merely providing information as a reminder of information the user already knows but might not remember.

As to claims 2,3,24,25 the information includes the customer's name and address (col 27, lines 59-60).

As to claims 6 and 33, it would be obvious to record that a customer had purchased a vehicle from a dealer or had service there and put that dealer at the top of the list as the customer would have an opinion on that dealer, whether favorable or unfavorable.

As to claim 8, it would be obvious to give a higher priority for a selling relation than to a service relationship as the sales team of a store is generally different from the service team and as such, a customer could like the sales but dislike the service or vice versa

As to claims 10,28 a list of automobiles nearest the customer are returned (col 28, lines 57-59), the system could be used for more than one customer. Whether or not there are prior contacts would be determined by whether or not the user had prior contacts, it would be obvious to not require that a user had had a previous contact or else new users could never be enrolled.

As to claims 11,29 the results are inherently divided into a plurality of sets (geographical region, col 28, lines 57-59).

As to claims 12,30 it would be obvious to include the prior contact with each set.

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As to claims 13,31, the number of sets viewed at a time would be a matter of obvious engineering design choice, it would be obvious to allow a view of only one set at a time to avoid cluttering the screen with too much information.

As to claims 14,32, it would have been obvious to one of ordinary skill in the art to have a link to another set of options as Grosser discloses a "reject" option (col 28, lines 65-66) for a set of options.

As to claim 15, it would be obvious to have the sets arranged in geographical order as that is how they are chosen, the preference would be "closest".

As to claims 16,34 it is very well known to have maps displaying geographical region. Therefore, it would have been obvious to one of ordinary skill in the art to use a map to ease location selection. Further, the examiner takes Official Notice that maps on the Internet are very old and well known (Mapquest, Rand Macnally, etc.)

As to claims 17,35 it would have been obvious to one of ordinary skill in the art to have directions to the dealer to make it easy for the customer to get to the chosen dealer.

As to claims 18,19,36,37,39 it would be obvious to one of ordinary skill in the art to list sets of dealers with the most recent prior contacts as these are the dealers the customer has shown an interest in. It would be obvious to allow the user to have as many or as few numbers of contacts so as not to artificially restrict the client pool. As there is a computer, there would inherently be a database as this is how computers store data.

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As to claim 21, Grosser discloses a browser (304), having forms capabilities (figs 16a-k).

As to claim 22, the means is the Internet (fig 3).

As to claims 26 it would be obvious to include a plurality of contacts if there were a plurality so as to have complete information.

As to claims 27,38, it would be obvious to group the contacts, such as in "favorable" and "unfavorable" sections and to give preference to those in the "favorable" category and to avoid those in the "unfavorable" category. As there is a computer, there would inherently be a database as this is how computers store data.

### ***Response to Arguments***

Applicant's arguments filed 1/2/07 have been fully considered but they are not persuasive. As to arguments in relation to "at least two dealers", the number of dealers is considered to be a matter of obvious engineering design choice. The limitations regarding "service v. sales contact" have been addressed in the above rejection. The examiner does not dispute that the prior contact information is not specifically mentioned in the cited prior art, however, the examiner gave a reason to make obvious and applicant has not explained why this reasoning is unreasonable or the modification is inobvious. For instance, in the Washington DC area there are numerous dealerships owned by a company called "Rosenthal", some people will refuse to deal with any of these dealerships, therefore, it would be a waste to suggest they go to those dealerships. Many people have had bad experiences with particular businesses and

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therefore would not do business with them no matter the incentive. This is not "hindsight bias", merely noting human nature. There is an "apparent reason" given, the applicant is welcome to dispute the reason, but not to deny it is there. From the above rejection **"It would have been obvious to save this information for future use in case the customer re-uses the system for another car so that the customer could buy from a dealer the customer liked or not buy from a dealer the customer didn't like, especially as the information includes, "values"."** As to arguments in relation to claims 12 and 30, the examiner does not repeat a rejection of the same limitation for each claim that contains it, merely for the first limitation. Subsequent claims are rejected based only on new limitations that are not in previous claims. As to arguments about using the system for a second user, it would be most inobvious to not allow multiple users to use the system or else it would only be used by one person. The term "sets" is incredibly broad and geographic location meets this very broad limitation. The viewing of "one set at a time" has been discussed in the above rejection.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF

9/27/06

Michael Fisher



Patent Examiner  
GAU 3629